

DELEGATE E. C. MURRAY: Do you think it desirable to spell that out?

THE CHAIRMAN: I am not clear. Will you state your question again?

DELEGATE E. C. MURRAY: Do you think it desirable—

THE CHAIRMAN: Your prior question? Your previous question.

DELEGATE E. C. MURRAY: My previous question was who would designate the ten judges to sit at such a tribunal.

THE CHAIRMAN: Is that not answered by the sentence beginning in line 12?

DELEGATE E. C. MURRAY: I am sorry, appointed by the Court of Appeals.

THE CHAIRMAN: Are there any further questions?

Delegate Burdette.

DELEGATE BURDETTE: Mr. Chairman, since the Chairman of the Committee has just answered that to mean the Chief Judge, I should like to ask specifically if it does not mean appointment by the bench as such, the Court of Appeals?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Well, perhaps I was shooting from the hip on that. I think the recommendation of the Committee does say the Court of Appeals. It does not say the Chief Judge. This would necessarily then be by en banc court of the Court of Appeals.

THE CHAIRMAN: Delegate Bradshaw.

DELEGATE BRADSHAW: I wish to announce the presence in the gallery of the Chairman of the Democratic Committee of Montgomery County.

*(Applause.)*

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Delegate Boyer, this refers to cases of serious crimes or serious misconduct in office. Without further spelling it out or stating how these crimes might be defined, by whom do you contemplate the defining of those terms should somebody be faced with an impeachment under this section?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: The definition of those terms would have to lie and rest with the House of Delegates who shall have the

sole power of impeachment to do thus and so in face of serious crimes.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Would you contemplate the ten-judge tribunals which try the impeachment as having the power to determine whether or not the impeachment, which is the indictment, in fact, charges a serious crime or serious misconduct in office? If they have the authority to try that, is there further recourse to the Court of Appeals to determine whether or not that determination has been correctly made, either by the House of Delegates or by this ten-judge tribunal?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: It is my understanding if there should be an impeachment proceeding, and the special tribunal should go along with the House of Delegates that there has been a serious crime committed, I do not know to whom you would appeal from that decision of the special tribunal.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: So whatever the House of Delegates chose to categorize as a serious crime or serious misconduct in office for a particular situation would be binding upon the particular tribunal or the House of Delegates?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: No. The House of Delegates would be the accusatory body. Then the ten judges with their special training and expertise would determine whether this should go to trial.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: I am not sure we are talking about exactly the same thing.

DELEGATE BOYER: I am trying to answer.

DELEGATE MARION: I understand the tribunal of ten judges would determine if there are facts to support the charge. Could they also determine if the charge was a valid charge and whether the indictment charges a serious crime or a serious misconduct in office?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: It is my thought that a special tribunal would be a de novo court that would hear the proceedings from the original inception. If they thought it